THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.7375 OF 2005

DATED: 13-08-2007

Between:

TSR Cold Storage Pvt. Ltd., rep. by its M.D. T. Sidda Reddy, TSR Nagar, NH.5, Varagali Cross Roads, Chillakuru, Nellore District.

.. Petitioner

and

The Divisional Electrical Engineer, (Operation), A.P.S.P.D.C.L., Gudur, Nellore District and another.

.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in disconnecting power supply to the service connection No.1296 of the petitioner unit, as arbitrary and illegal; and consequently to direct the respondents to restore power supply to the petitioner unit.

The petitioner establishment is a Cold Storage Unit situated at Chillakuru village and Mandal, Nellore District. According to the petitioner, as per G.O.Ms.No.211, Agriculture & Cooperation (Mktg.II) Department, dated 02.07.1999, and as per the letter, dated 17.06.2002, of the Director of Marketing, Government of Andhra Pradesh, it is entitled for 25% rebate on the electricity consumption charges for a period of three years from the date of commencement of commercial operations, subject to a ceiling of Rs.30,00,000/-. Since the said benefit was not extended to it, it has filed a writ petition, being W.P.No.5708 of 2004, and the same was disposed of on 16.04.2007 directing the respondents to consider the matter. Now, it is the grievance of the petitioner that without considering its case in pursuance of the earlier direction of this Court, the respondents sought to disconnect the power supply to its service connection bearing No.1296, without issuing any notice. Hence, this writ petition.

While admitting the writ petition on 06.04.2005, this Court, by order in W.P.M.P.No.9825 of 2005, directed the respondents to restore power supply to the petitioner unit on payment of Rs.14,000/- (Rupees fourteen thousand only), which was purported to be towards low power factor surcharge, pending further orders.

Learned counsel for the petitioner submits that the petitioner has already deposited the said amount of Rs.14,000/- and power supply is being continued to the petitioner unit.

In view of the above, the respondents are directed to consider the case of the petitioner for extending the benefit of 25% rebate on the electricity consumption charges, as per law and in accordance with G.O.Ms.No.211 mentioned above, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner. Till such time, power supply to the petitioner unit shall not be disconnected.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

13th August, 2007.
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